

ATTORNEY DARROW'S NEWEST BOOK

RESIST NOT EVIL. By Clarence S. Darrow. Published by Charles H. Kerr & Co., Chicago. Price 75 cents.

This is a neatly bound volume of 176 pages, exceptionally free from typographical errors and mechanically well executed. The author is by this time well known in our city, and those who have had the pleasure of hearing him lecture feel that he is a man of deep reflection and great sympathy. The best key to an understanding of this volume is intimacy with the personality of the author. Clarence S. Darrow is an interesting person and comes as near realizing the philosophy and teaching of the gospel of non-resistance as any man we have ever known.

Mr. Darrow is a student, an admirer and an interpreter of Tolstol. One of his many interesting lectures is on the eminent Russian author and philosopher, with whose works he is perfectly familiar. This volume is one of the results of that study and the author confesses that it was inspired by the writings of Tolstol, "the first author who ever seemed to place the doctrine of non-resistance upon a substantial basis."

Upon the philosophy of the great Russian Count, then, our author constructs his argument which, in sixteen brief chapters, defends the doctrine of non-resistance. The style is lucid, epigrammatic and at times eloquent. It is a severe arraignment of our civilization, which the author believes is based on barbaric force, but the chief purpose of the work is to show the mistaken treatment of crime and criminals, as practiced by modern society.

The first four chapters deal with the state and the means at its command to enforce its decrees. These, our author denounces the productions of brute force. "The state was born in aggression, and the rulers of ancient and modern times acquire their right by force and cunning and intrigue." Every government "has used its power to divide the earth amongst a favored few and by force and violence to keep the toiling, patient suffering millions from any portion of the common bounties of the world. Armies and navies are organized either to keep in subjection the people of the land or war against foreign foes. In both cases it is the exhibition of brute force and engenders hatred, malice and passion in the souls of men. The result is the destruction of the body, the death of the soul, and the sovereignty of the ruling class at whose command the military forces are. Against this the author protests vehemently by stating that "no nation can be really great that is held together by Gatling guns and no true loyalty can be induced and kept through fear."

Civil government is placed by the author in the same category as military power. It rests on violence and cunning. He sees interwoven in all our social fabric the idea of punishment, of force, of violence, and is astonished to find that hardly any one sees that "nature, unaided by men's laws, can evolve social order, or that a community might live in measurable peace and security, moved only by the natural instincts which form the basis and render forcible communal life. His conclusion is that "those who violate the laws of communal life will die or leave no descendants or weak offspring to be the last survivors of their line."

The remaining twelve chapters deal with crime, criminals, the mode of punishment and the right way to treat this anti-social class. Mr. Darrow gives us here the result of his observation and reflection and the reader will find in this section of the work many rich thoughts upon one of the most vexed questions of our civilization.

Crime, according to our author, is a relative term and changes with the age. What in one age is commendable in another is criminal and what is wrong to one class may be performed by another with impunity. For this reason it is impossible to be sure about the commission of the act, and never possible to fix the moral responsibility of the person charged with crime.

The criminal is the creation of heredity and environment and Mr. Darrow severely criticizes his own profession for its prejudices and futile work in summarily condemning the criminal without seeking out the causes of crime and tracing them to their sources. He has evidently read specialists on criminology and is familiar with the fluctuations in crime according to the economic condition of the people. He believes that the criminal belongs mentally and physically to an inferior type and that "certain sections of the world are indigenous to men who kill their fellows." But notwithstanding this the author believes that "if work were sufficiently plenty

or remunerative, both jails and almshouses would be compelled to close their doors," and his analysis of the cause of crime leads him to the conclusion that it is the production of the industrial condition of society: "It is only when the owning class has been established and the exploiting class grows up that the jail and the penitentiary become fixed institutions, to be used for holding people in their place."

He repudiates all punishment for the reason that it accomplishes nothing. To punish the criminal on the quid pro quo principle is, to the author, vengeance, pure and simple, and can only be vicious in its effect. He believes that no criminal was ever improved by punishment and that society in its effort at devising humane means of punishment and in its anxiety to reform persons shows itself thoroughly ashamed of its work. Execution, to him, is murder and a violation of the commandment "Thou shalt not kill." Punishment is vengeance, which fact becomes more clear every day and society marches to one inevitable result, "the abolition of all judgment of man by man."

This position is still further confirmed by the consideration that the criminal is the production of our social organization which rests on possession of property, the impossibility of just judgment in the case of criminals, the infallibility of courts of justice and of a judiciary and the impossibility to mete out punishment according to the nature of the crime.

"The cunning man without strong convictions of right and wrong can always find ample room to operate his trade inside the dead line the law lays down * * * as a rule, it is not only the weak or the extremely conscientious or devoted that violate the law, and it does not follow that this or any other class really intend a wrong or consider it in any such light as their judge, when they commit an act forbidden by the law."

Men commit crime because of their feeling, emotion and passion, which alone are responsible for the deed; and if the vast majority of criminals were to reflect and give place to the action of conscience, they would not enter into the affair. There is no justice in human punishment unless it is based upon the theory of intrinsic evil in the victim. Every criminal is a man and his condition is largely due to circumstances and if we truly diagnose his case and consider his motives, he is not worse than the man who goes uncondemned. "When we look at the criminal in the jail, the malice, the hatred, the want of human charity that dwell in our hearts" rise like a fog and hinder us from seeing the man in him. "The criminal is always the man we do not know or the man we hate."

Because of these reasons, the machinery of justice, as exercised this day, is mischievous and productive of great evil. It does not hinder crime—it rather encourages it. It is a raid against the poor man, who, falling under suspicion, is cast into prison, and when brought to trial, both judge and jurors look upon him as a guilty man: "Innocent or guilty, it is a miracle if he escapes and, in this miracle, the fact of his innocence or guilt plays but the smallest part."

Men commit crime because of malice and all judgments are meted out in anger and hatred. "I" is today, as ever, the expression of force and never fails to bring evil results. It should be done away with for it only adds to the sum total of human misery and intensifies the bitterness and hatred which are found among men.

Thus having found the criminal the creature of circumstance, and the machinery of justice such as cannot dispense justice, the only remedy remaining to reclaim the criminal is that of love and sympathy: "if the child or the man is taught his right relations to the world, and feels the love and sympathy due his fellow man, he has no need of written codes; his acts, so far as those of mortals can be, will be consistent with the light and happiness of his fellow man. And this not through fear, but because he bears the highest attitude toward life." "Hatred, bitterness, violence and force can bring only bad results—they leave an evil stain on every one they touch. No human soul can be rightly reached except through charity, humanity and love."

The book is not a scientific treatise on the criminal and the science of penology. It is rather a popular and philosophical discussion of the general subject and thrown together without much logical sequence in the treatment of the theme. The author confesses that the criminal must be studied scientifically which has been done by eminent criminologists in the last fifteen years, but the conclusions of some of these specialists are not accepted by Mr. Darrow in his doctrine of non-resistance. One

cannot help feeling that the moment one believes in the scientific study of the criminal, one should also be willing to abide by the results of the investigations and take them as his guide to action. But one point all the specialists agree with Mr. Darrow's conclusions—that punishment as meted out by society is little better than useless and often is itself criminal.

One of the characteristics of the author is to overstate actual conditions in order to give a bold prospective to his position. Take the following examples: "Nature, unaided by man's laws, can evolve social order." "To punish a human being simply because he has committed a wrongful act" (is) more detestable and harmful than any casual isolated crime." "We hang and pen these unfortunates (criminals) because they have grown as tall, as large, or as symmetrical as the ordinary man." "In the judgment of the courts the betrayer is rewarded, the man of the largest part of what is used in daily life is controlled by combinations whose sole purpose is extortion." "All our merchants and tradesmen frantically call out their lies in every form that they may sell their wares for a larger price than they are really worth." "To the just all souls are really white."

"Blood and misery and degradation have marked the administration of punishment." "It is simple madness that doubts the justice of past condemnation and believes in the righteous judgments of today." These are examples of exaggerated statements found in the book which startle and irritate and yet add zest to the work.

The optimism of the author is worthy of admiration. As a lawyer he has seen much of the seamy side of life, and yet the keynote of his book is the inalienable worth of man and the criminal to him is a man in whom burns the divine spark and which is capable of being reclaimed and saved if properly treated by love and sympathy. "No heart is so pure that it may not be defiled and hardened by cruelty, hatred and force, and none so defiled that it may not be touched and changed by gentleness and love."

According to Mr. Darrow, society is largely responsible for the criminal. This is very true and every student of crime agrees with the author in his statement, but, as in every other department of life, there are classes of criminals, yet the author makes no attempt at classification. The importance of such a classification has long been shown by Ferri and Colajanni. The political criminal may, as Benedict said, be the homo nobilis, but this type is very far removed from the instinctive criminal, which is a real monster. In the one class we place the Christ; in the other such monsters as Castiglione, Lacenaire, Burke, Wainwright, etc. Between these two extremes stand the criminal by passion and the insane criminal. Each of these classes requires distinct treatment and the application of one specific treatment to all is condemned both by science and reason. As far as society is responsible for crime, it behooves all to co-operate in removing the obstacles in the way; but they are criminals by instinct. "The world has called them 'born criminals.'" Against this class uncompromising hostility is cherished by every healthy soul and the gospel of non-resistance will find few advocates as long as this brood traverses the earth.

"Resist Not Evil" is a work worth reading and every student of society will find in it much that is of interest and true worth, however much he may differ from the author on the main thesis of the work, the futility of punishing crime in any form. —Peter Roberts

WORLD'S COAL PRODUCTION.

In a report in the Treasury Bureau of Statistics is given the comparative coal production of the world. In 1810 the total production was but a little over 45,000,000 short tons. In 1850 the production was 23,000,000. In 1880 it was 14,000,000. During the last thirty years and even earlier, the combined coal output of the United States, the United Kingdom and Germany has averaged about five-sixths of the coal supply of the world. Possessing but a tenth of the world's population, they have produced about 85 per cent of the mineral fuel, while the remaining 90 per cent of the world's inhabitants have produced about 17 per cent.

While the continued output of these three countries has kept pace with the production of the rest of the world, their relative position has been materially altered. In 1850 the United States produced over three times as much as either the United States or Germany, the output of these countries being approximately 2, 1, 2. In 1880 the proportion was about the same, although the United States had gained on Germany as a coal producer. By 1875 the percentage of 45, 20 and 17 per cent. In 1880 the output of Great Britain and Ireland was 24, the United States 20, and Germany 19. In 1889 the output of the United States exceeded that of Great Britain. In 1901 the percentage of the nations stood: United States 34, Great Britain 23, and Germany 14.2, and there is no probable prospect that the United States will lose her ascendancy for many years, if ever. In 1891 the total output of the world was 896,165,000 tons.



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